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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JUDY GRIFFIN, OLIVIA ALMALEL,  
R.S., by and through her guardian ad litem,  
Matthew Struski, and COMMUNITIES  
ACTIVELY LIVING INDEPENDENT  
AND FREE (“CALIF”), on behalf of  
themselves and all others similarly situated,

Plaintiffs,

vs.

CITY OF LOS ANGELES,  
Defendant.

Case No: 2:24-cv-06312

CLASS ACTION

**JOINT RULE 26(f) CONFERENCE  
REPORT**

Scheduling Conference

Date: November 18, 2024  
Time: 9:00 a.m.  
Courtroom: 850  
Location: Roybal Courthouse

Judge: Hon. R. Gary Klausner  
Complaint Filed: July 26, 2024

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12 Attorneys for Defendant  
CITY OF LOS ANGELES

1 **TO THIS HONORABLE COURT:**

2 Named Plaintiffs Judy Griffin, Olivia Almalel, R.S., by and through her guardian  
3 ad litem Matthew Struski, and Communities Actively Living Independent and Free  
4 (“CALIF”) (collectively, “Plaintiffs”) and Defendant City of Los Angeles (“the City”)  
5 submit the following Joint Report pursuant to Rules 16 and 26(f) of the Federal Rules of  
6 Civil Procedure and this Court’s Order Setting Scheduling Conference dated October  
7 15, 2024 (ECF No. 34).

8 **A. Statement of the Case.**

9 **a. Plaintiffs’ Position**

10 Named Plaintiffs are three individuals with mobility disabilities and one  
11 organizational plaintiff that includes and advocates on behalf of persons with mobility  
12 disabilities, who bring this case on behalf of themselves and a proposed class comprised  
13 of “all persons with mobility disabilities, including those who use wheelchairs, scooters,  
14 canes or other mobility aids and who use or desire to use the parks, and park facilities  
15 that are open to the public in the City of Los Angeles.” They allege that the City of Los  
16 Angeles has engaged in pervasive and systematic discrimination against persons with  
17 mobility disabilities through policies and practices that have denied and continue to  
18 deny them full and equal access to the City’s parks and park facilities. Specifically, the  
19 City has failed and refused to ensure that its newly constructed and renovated public  
20 park facilities are readily accessible to and usable by persons with mobility disabilities  
21 in violation of federal and state disability access laws.

22 The City has performed new construction and alterations to its existing park  
23 facilities without complying with federal and state disability access design standards. In  
24 addition, it has routinely failed to maintain its parks and park facilities in a condition  
25 that is accessible to persons with mobility disabilities as required by federal and state  
26 law. As a result, Plaintiffs Judy Griffin, Olivia Almalel, R.S., members of Communities  
27 Actively Living Independent and Free (“CALIF”) and similarly situated individuals  
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1 have experienced ongoing deprivation of their civil rights because of the City's repeated  
2 and continuing violations of federal and state disability nondiscrimination laws  
3 regarding access for persons with mobility disabilities.

4 The park facilities owned, operated, controlled and/or maintained by the City are  
5 characterized by multiple, pervasive, and hazardous physical access barriers. The  
6 physical access barriers in City parks include, *inter alia*, inaccessible entrances and  
7 exits, inaccessible restrooms, inaccessible public buildings, inaccessible and/or  
8 hazardous paths of travel within City parks, inaccessible athletic fields, inaccessible  
9 picnic areas, inaccessible playgrounds, and inaccessible or nonexistent parking for  
10 people with mobility disabilities.

11 The City's conduct violates its obligations under Section 504 of the  
12 Rehabilitation Act of 1973 ("Section 504"), Title II of the Americans with Disabilities  
13 Act of 1990 ("ADA"), as well as California Government Code Section 11135, to ensure  
14 that the design, construction, and/or alteration of City facilities comply with the  
15 applicable design standards, including *inter alia*, the 1991 Americans with Disabilities  
16 Act Accessibility Guidelines ("ADAAG"), the 2010 Americans with Disabilities Act  
17 Standards for Accessible Design ("2010 ADAS"), and the applicable version of the  
18 California Building Code ("CBC"). The City has known for over three decades that it is  
19 required by these laws to ensure the accessibility of its parks to persons with mobility  
20 disabilities. These legal mandates were and continue to be necessary to create full and  
21 equal access to the park facilities and programs owned, operated, controlled, and/or  
22 maintained by the City. The City has failed to meet these federal requirements, as well  
23 as similar requirements under California law, and has consequently denied full and  
24 equal access to persons with mobility disabilities. The resulting physical access barriers  
25 have caused and continue to cause harm to Plaintiffs.

26 The discrimination and denial of full and equal access to Defendant's parks and  
27 park facilities complained of herein are the direct result of Defendant's policies and  
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1 practices regarding the City's parks and disability access. These policies and practices,  
2 or lack thereof, have resulted in discrimination against persons with mobility disabilities  
3 in the form of denial of full and equal access to the City's parks and park facilities that  
4 manifests in common ways throughout the City.

5 Plaintiffs seek declaratory and injunctive relief against Defendant for violating  
6 the ADA, Section 504 and California Government Code § 11135 and their  
7 accompanying regulations, including an order requiring remediation of non-compliant  
8 new construction and alterations to the City's park and park facilities. Should they  
9 prevail, Plaintiffs also seek an award of reasonable attorneys' fees, litigation expenses,  
10 and costs under applicable law.

11 **b. The City's Position**

12 The City denies that it engaged in pervasive and systematic discrimination  
13 against persons with mobility disabilities through policies and practices that have  
14 denied and continue to deny them full and equal access to the City's parks and park  
15 facilities. The City endeavors to provide full and equal access to all parks and park  
16 facilities to all individuals with mobility disabilities. The City takes all necessary and  
17 available steps to ensure that newly constructed and renovated public park facilities are  
18 readily accessible to and usable by persons with mobility disabilities. The City denies  
19 that it routinely fails to maintain its parks and park facilities in a condition that is  
20 accessible to persons with mobility disabilities as required by federal and state law.  
21 The City takes all necessary and available steps to ensure that maintenance of parks and  
22 park facilities comply with federal and state disability laws enabling individuals with  
23 mobility disabilities to access and utilize City parks and park facilities. Indeed, to  
24 ensure the accessibility of all park facilities, the City began a survey of those facilities,  
25 by Certified Access Specialists utilizing BlueDAG, well before this lawsuit was  
26 initiated.

1           **B. Subject Matter Jurisdiction.**

2           The Court has jurisdiction over Plaintiffs’ claims for violation of the ADA and  
3 Section 504 under 28 U.S.C. §§ 1331 and 1343. The Court has supplemental  
4 jurisdiction over Plaintiffs’ claim arising under California Government Code § 11135,  
5 *et seq.*, pursuant to 28 U.S.C. § 1367, as that claim is based on the same actions and  
6 omissions that form the basis for Plaintiffs’ federal claims. This Court has jurisdiction  
7 over Plaintiffs’ claims for declaratory and injunctive relief pursuant to 28 U.S.C. §§  
8 2201 and 2202.

9           **C. Legal Issues.**

10          With respect to Plaintiffs’ claim arising under the ADA, the key legal issues are:  
11 (1) whether Plaintiffs are qualified individuals with disabilities within the meaning of  
12 Title II of the ADA; (2) whether the City’s newly constructed and altered parks and  
13 park facilities are readily accessible to and useable by persons with mobility disabilities;  
14 (3) whether, since January 26, 1992, the City has constructed, altered, or repaired its  
15 parks and park facilities without complying with ADAAG, 2010 ADAS or the Uniform  
16 Federal Accessibility Standards (“UFAS”); and (4) whether the City maintains the  
17 accessible features of its parks and park facilities.

18          With respect to Plaintiffs’ claim arising under Section 504, the key legal issues  
19 are: (1) whether Plaintiffs are qualified individuals with disabilities; (2) whether the  
20 City is a recipient of federal financial assistance sufficient to invoke the coverage of  
21 Section 504; (3) whether the City denies Plaintiffs the benefits and services of the  
22 City’s parks and park facilities solely by reason of their disability; (4) whether, since  
23 June 3, 1977 the City has constructed or altered parks and park facilities without  
24 complying with applicable federal disability access standards, including, but not limited  
25 to UFAS; and (5) whether the City has failed to maintain those features of its parks and  
26 park facilities that are required to be readily accessible to and usable by persons with  
27 mobility disabilities.  
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1 With respect to Plaintiffs' claim arising under California Government Code §  
2 11135, *et seq.*, the key legal issues are: (1) whether Plaintiffs are persons with mobility  
3 disabilities; (2) whether the City receives financial assistance from the State of  
4 California sufficient to invoke the coverage of Government Code §11135, *et seq.*; (3)  
5 whether, by reason of its failure to ensure that newly constructed or altered parks and  
6 park facilities are designed, constructed altered and maintained in compliance with  
7 applicable federal and state designed standards, the City has failed to provide Plaintiffs  
8 with full and equal access to those facilities; and (4) whether a failure by the City to  
9 comply with the implementing regulations of the ADA and Section 504, including the  
10 self-evaluation and transition plan requirements, make the City liable under  
11 Government Code §§11135(b) and 11139.

12 With respect to Plaintiffs' claim that the present action should be certified as a  
13 class action, the primary legal issues are: (1) whether Plaintiffs will be adequate  
14 representatives of the putative class; (2) whether Plaintiffs have personally been injured  
15 by the City's alleged actions or inactions; (3) whether Plaintiffs' claims against the City  
16 present questions of law or fact that are common to the putative class members; and (4)  
17 whether Plaintiffs' claims are typical of those held by the other members of the putative  
18 class.

19 With respect to Defendant's defenses, Plaintiffs must establish that they are  
20 qualified individuals with disabilities as defined by federal and state law. Defendant  
21 alleges that the requested modifications and relief would cause an undue burden on  
22 Defendant and/or are structurally and/or technically infeasible. Defendant further alleges  
23 that Plaintiffs lack standing to challenge programs, services, assignments, or  
24 activities for which they failed to apply or for which they were not denied and have not  
25 suffered any damages or harm whatsoever by reason of the conduct alleged against the  
26 City, and, by reason of the foregoing, each Plaintiffs lack standing and are otherwise  
27 barred from any relief. The purported claims made by Plaintiffs and members of the  
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1 purported class on whose behalf they purport to sue are precluded because the alleged  
2 conduct would have affected, if anyone, only an insubstantial number of putative class  
3 members. And, the purported class cannot be certified under Federal Rule of Civil  
4 Procedure 23 because, inter alia, the purported class, class representatives and/or class  
5 counsel fail to meet the necessary requirements for class certification, including  
6 adequacy of the class representative, ascertainability, numerosity, commonality,  
7 typicality, adequacy, manageability, superiority and injunctive relief requirements for  
8 class actions.

9 **D. Parties, Evidence, etc.**

10 The Plaintiffs are Judy Griffin, Olivia Almalel, R.S., by and through her guardian  
11 ad litem Matthew Struski, and Communities Actively Living Independent and Free  
12 (“CALIF”). CALIF is a non-profit organization that has as one of its underlying  
13 purposes the representation of persons with disabilities, including persons with mobility  
14 disabilities, in Los Angeles County.

15 Defendant is the City of Los Angeles.

16 The percipient witnesses include Judy Griffin, Olivia Almalel, R.S., by and  
17 through her guardian ad litem Matthew Struski, Keith Miller of CALIF, members of the  
18 putative class, and certain employees of the City, including not yet identified employees  
19 of the Recreation and Parks and Engineering Departments, among others. Plaintiffs  
20 reserve the right to name additional individuals as percipient witnesses, including  
21 members of the proposed class, as these individuals are identified.

22 Key documents include: City’s Self Evaluations and Transition Plans, documents  
23 identifying the parks, park facilities, recreation centers, playgrounds and beaches  
24 operated by City Bureaus or Departments, documents identifying construction dates and  
25 dates of alterations of those facilities and the scope of the alterations, design standards,  
26 plans, and drawings used for such facilities, policies and practices for designing,  
27 constructing, altering, maintaining and inspecting such facilities, complaints concerning  
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1 disability access issues in the park facilities, budgets and capital improvement plans  
2 relating to park facilities, surveys and audits of such facilities, emails discussing the  
3 construction, alteration, repair or condition of park facilities. Additional documents  
4 include the accessibility surveys of City park facilities conducted by or at the direction  
5 of Plaintiffs' accessibility consultant or expert witness. Defendant also intends to seek  
6 Plaintiffs' medical records establishing their claim that they have mobility disabilities.

7 **E. Damages.**

8 Plaintiffs are not seeking monetary damages.

9 **F. Insurance.**

10 The City is self-insured.

11 **G. Non-dispositive Motions.**

12 The parties do not at this time anticipate filing motions to add other parties or  
13 claims, to file amended pleadings, or to transfer venue.

14 Plaintiffs believe that this is an appropriate case for class treatment under Rule 23  
15 (b)(2) and have asked Defendant to stipulate to class certification. At this time,  
16 Defendant is considering the request to stipulate. On October 29, 2024, Plaintiffs sent  
17 the City a proposed stipulated motion for class certification for Defendant's  
18 consideration. If the City agrees, Plaintiffs will file the stipulated motion as soon as  
19 possible. Otherwise, Plaintiffs will file a motion for class certification by December 19,  
20 2024.

21 **H. Manual for Complex Litigation.**

22 Although the case is complex in some respects, the parties do not believe at this  
23 time that all or part of the procedures of the Manual for Complex Litigation should be  
24 required. However, the parties may reference certain sections of the Manual for  
25 Complex Litigation including, but not limited to: Section 11, Pretrial Procedures;  
26 Sections 12.1 through 12.3 and Section 12.5, Trials; and Section 21, Class Actions.  
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1           **I. Status of Discovery.**

2           Pursuant to Rule 26(d)(1), the parties were precluded from serving any discovery  
3 in this case prior to the Rule 26(f) conference, which took place on October 22, 2024.  
4 Plaintiffs served Defendant with a first set of document requests and a set of 5  
5 interrogatories on the following day, October 23, 2024. Responses to that written  
6 discovery are due on November 22, 2024. The parties have agreed that all discovery and  
7 discovery responses, as well as pleadings and other documents to be served in this case,  
8 may be served by email.

9           **J. Discovery Plan.**

10          Counsel for the parties have agreed to provide initial disclosures as required by  
11 Federal Rule of Civil Procedure 26(a)(1) to all other parties via email. Plaintiffs will  
12 serve their initial disclosures by November 5, 2024. Defendant has requested, and  
13 Plaintiffs have agreed, that Defendant will serve their initial disclosures by November  
14 8, 2024. The parties will also send each other copies of any documents required to be  
15 included among their initial disclosures via email to the extent feasible, or, otherwise,  
16 by regular U.S. mail.

17          On October 23, 2024, Plaintiffs sent Defendant a stipulation for a proposed  
18 Order re: Discovery of Electronic Information based on the Model Stipulated Order  
19 available on Magistrate Judge Roccio's website. The proposed Order includes specifics  
20 as to the manner and formation in which ESI is to be produced. The stipulation will be  
21 filed with the Court as soon as it is finalized.

22          The parties have entered into a stipulated protective Order based on the sample  
23 protective order posted on the Court's website. The proposed order takes into account  
24 the fact that the Defendant is a public entity and that, therefore, proprietary or  
25 trademarked documents are not likely to be the subject of document requests in this  
26 case.

1        Plaintiffs' Anticipated Discovery

2        - Document Requests and Interrogatories

3        Plaintiffs intend to follow up their first set of document requests and  
4 interrogatories with additional written discovery as needed, based on information  
5 learned from the documents and information produced in response to the first phase of  
6 written discovery. The timing of such follow-up discovery will depend on the time it  
7 takes for Defendant to produce documents and information responsive to Plaintiffs first  
8 set of document requests and interrogatories. At this time, Defendant has advised  
9 Plaintiffs that the production of documents responsive to Plaintiffs' first set of document  
10 requests will take at least 4 months to complete, with production on a rolling basis to  
11 begin by February 15, 2025. This proposed timing is problematic given the December  
12 19, 2024 deadline for seeking class certification. The parties have agreed to meet and  
13 confer about prioritizing the production of documents that are relevant to Plaintiffs'  
14 motion for class certification. Plaintiffs reserve their right to compel documents that are  
15 not timely produced pursuant to Federal Rule of Civil Procedure 34(b)(2).

16        - Depositions

17        Given the complexity of the case, the time period at issue, the number of parks  
18 and park facilities at issue, and the number of City employees and other witnesses who  
19 are likely to have knowledge of relevant facts, Plaintiffs have proposed to Defendant  
20 that the parties agree to expand the default limit of ten (10) depositions that can be taken  
21 without leave of Court. Defendant has declined to do so because it believes that the  
22 majority of depositions will be 30(b)(6) depositions and not those of an individual, and  
23 the 30(b)(6) can and most likely will involve several individuals covering most areas of  
24 inquiry. Plaintiffs reserve their right to seek more than 10 depositions and, at the  
25 appropriate time, once Plaintiffs have more information about the scope of the case  
26 following a ruling on class certification and a determination of the number of potential  
27 witnesses in the case, and if the parties reach an impasse after meeting and conferring,  
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1 may seek leave of court to exceed the 10-deposition limit.

2 Plaintiffs also intend to notice a deposition of Defendant on multiple topics  
3 pursuant to Fed. R. Civ. P. Rule 30(b)(6) and the parties agree that the 30(b)(6)  
4 deposition will count as a single deposition. The parties have met and conferred and  
5 agree that this discovery tool will be a primary source of relevant discovery in this case.  
6 Accordingly, the parties agree that they will meet and confer regarding the topics for a  
7 Rule 30(b)(6) deposition and total limitation on hours for the total number of topics to  
8 be allocated as Plaintiffs deem appropriate. The parties have also agreed that the Rule  
9 30(b)(6) deposition may include a topic by Plaintiffs as to the City's systems for  
10 creating, storing, maintaining, backing up and transmitting potentially relevant  
11 documents, data and other information, including the City's email system ("Systems  
12 Depositions"), and that the Systems Depositions will be included in the above-described  
13 30(b)(6) deposition and not counted separate and apart from the 30(b)(6) described  
14 above, as additional depositions against Plaintiffs total of 10 depositions. Any Systems  
15 Depositions shall be limited to 7 hours each. Plaintiffs are prepared to take the Systems  
16 Depositions when Defendant identifies the appropriate witnesses.

17 The timing for noticing the above-described depositions, except for the Systems  
18 Depositions, will depend on Defendant's production of documents responsive to  
19 Plaintiffs first set of document requests and Plaintiffs opportunity to review those  
20 documents to identify potential witnesses and topics for the 30(b)(6) depositions.

21 - Requests for Admission and Contention Interrogatories

22 Plaintiffs will likely serve requests for admission and contention interrogatories in  
23 order to narrow the issues in the case before dispositive motions are filed and/or before  
24 trial.

25 - Site Inspections

26 Plaintiffs will be conducting site inspections of many of the parks and park  
27 facilities at issue through disability access experts, including architects and Certified  
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1 Access Specialists under California's CASp program. The number, location and timing  
2 of such site inspections is yet to be determined and will be based, in part, on information  
3 obtained from Defendant in discovery about the parks and park facilities at issue.  
4 Because the parks are open to the public, formal notices of such inspections pursuant to  
5 Fed. R. Civ. P. are not required. However, the parties are engaged in discussions as to  
6 whether the City would like advanced informal notice of such inspections and whether  
7 some or all of the inspections might be joint inspections at which Defendant's own  
8 experts attend, or whether certain locations within park facilities may be locked and  
9 would require staff to unlock a door, e.g. to a restroom.

10 Defendant's anticipated discovery

11 Defendant anticipates serving Special Interrogatories and Requests for Production  
12 of Documents to Plaintiffs for documents obtained outside of the discovery process in  
13 this matter and proof of standing for the individual Plaintiffs.

14 Defendant anticipates deposing the named Plaintiffs and a 30(b)(6) deposition for  
15 the entity Plaintiff.

16 **K. Discovery Cut-Off.**

17 The parties propose a discovery cut-off date of May 8, 2026. This includes the  
18 resolution of all discovery motions.

19 **L. Expert Discovery.**

20 The parties propose that expert disclosures take place on or before July 23, 2026  
21 with rebuttal disclosures to take place on or before August 28, 2026.

22 The parties propose an expert discovery cut-off date of October 9, 2026.

23 **M. Dispositive Motions.**

24 Plaintiffs intend to file a motion for partial summary judgment concerning  
25 Defendant's liability under the ADA, Section 504 and California Government Code §  
26 11135.

27 The City does not anticipate filing motions for summary judgment because of the  
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1 significant factual disputes for any such motion by either party given the nature of the  
2 applicable scoping requirements for the ADA and California Building Code.

3 **N. Settlement and Alternative Dispute Resolution.**

4 Both sides are open to discussions of possible informal resolution of the case, but  
5 agree that any such negotiations would have to take place on a separate track while the  
6 litigation proceeds. The parties believe any settlement negotiations should take place  
7 after a first wave of discovery, including some site inspections, is completed. The  
8 parties prefer ADR Procedure No. 2 under Local Rule 16-15.4, participation in a  
9 mediation before a neutral selected from the Court's Mediation Panel, and are  
10 submitting ADR-01, Request: ADR Procedure Selection with this Report.

11 **O. Trial Estimate.**

12 Due to the volume of evidence and witnesses, the parties anticipate that the trial  
13 of this matter may take up to 20 days, depending on the scope of the case following a  
14 ruling on the motion for class certification and the number and volume of witnesses and  
15 potential exhibits identified in discovery. The parties will meet and confer throughout  
16 the case regarding ways to narrow and streamline the issues for trial including stipulated  
17 facts.

18 **P. Trial Counsel.**

19 Plaintiffs' trial counsel will be Jinny Kim of Disability Rights Advocates, Linda  
20 Dardarian and Andrew Lee of Goldstein, Borgen, Dardarian & Ho, Paula Pearlman of  
21 the Law Office of Paula Pearlman, and Guy Wallace of Schneider Wallace Cottrell  
22 Konecky, LLP.

23 The City's trial counsel will be Elizabeth M. Pappy and Daphne Anneet.

24 **Q. Independent Expert or Master.**

25 The parties do not at this time believe that a master pursuant to Rule 53 or an  
26 independent scientific expert will be necessary in this case, although Plaintiffs may  
27 consider seeking the appointment of an independent expert on accessibility and  
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transition planning at the remedy phase of the litigation.

**R. Timetable.**

The parties' proposed Schedule of Pretrial and Trial Dates is as follows:.

Event	The Parties' Request	Court's Order
Last day to amend pleadings or add parties	November 7, 2025	
Non-expert discovery cut-off	May 8, 2026	
Expert Disclosures (Initial)	July 24, 2026	
Expert Disclosures (Rebuttal)	August 28, 2026	
Expert Discovery Cutoff	October 9, 2026	
Last day for hearing dispositive motions	December 7, 2026	
Pre-trial conference	February 4, 2027	
Last Day to hear motions in limine	February 19, 2027	
Trial	April 6, 2027	

**S. Other Issues**

The parties do not anticipate there will be additional issues affecting the status of management of the case. The parties do not believe severance, bifurcation, or other ordering of proof will be needed.

DATED: November 5, 2024

DISABILITY RIGHTS ADVOCATES

By:

/s/ Jinny Kim

Jinny Kim  
Attorneys for Plaintiffs



1 Dated: November 5, 2024

BURKE, WILLIAMS & SORENSSEN, LLP

2  
3 By: /s/ Daphne M. Anneet

4 Elizabeth Pappy  
5 Daphne M. Anneet  
6 Attorneys for Defendant  
7 CITY OF LOS ANGELES  
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**SIGNATURE ATTESTATION**

Pursuant to Local Rule 5-4.3.4(aX2X), I hereby certify that the content of this document is acceptable to Jinny Kim, counsel for Plaintiffs, and that I have obtained Ms. Kim's authorization to affix her electronic signature to this document.

Dated: November 5, 2024

BURKE, WILLIAMS & SORENSEN, LLP

*/s/ Daphne M. Anneet*

By:

\_\_\_\_\_  
Elizabeth M. Pappy  
Daphne M. Anneet

Attorneys for Defendant  
CITY OF LOS ANGELES